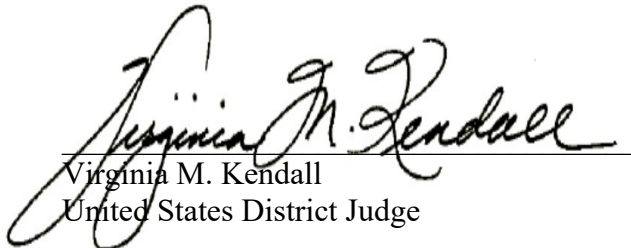


While Hercules is a third-party, the District Court granted him leave to intervene. (Dkt. 272). Generally, individuals who are granted leave to intervene pursuant to Fed. R. Civ. P. 24 “become a party to the lawsuit.” *See, e.g., Williams v. Gen. Elec. Cap. Auto Lease, Inc.*, 159 F.3d 266, 269 (7th Cir. 1998). Having successfully intervened, Daley is incorrect that Hercules stands in the same shoes as any other member of the public. The Court sees no reason to treat this matter any differently than it would have if an original party to the case filed the motion to compel. Moreover, Daley’s unredacted response gets to the heart of the matter underpinning Hercules’s Motion to Vacate the protective order. Withholding that document from him without a showing of good cause—as L.R. 26.2(e) instructs—simply because he is an intervenor would deprive Hercules of an opportunity to fully respond, thereby forcing the Court to rule on his motion based on incomplete briefing.

The Court has closely reviewed all prior orders issued in this case. (*See, e.g.,* Dkt. 110; Dkt. 278; Dkt. 279; Ex. 2, Dkt. 293-1 at 7–19). The only one that could plausibly be read to apply to the disclosure of Daley’s unredacted response is Dkt. 110, Judge St. Eve’s 2017 Qualified HIPAA and MHDDCA “Attorneys’ Eyes Only” Protective Order. Still, it would merely limit who could see the redactions in Daley’s response, not bar disclosure outright. While the HIPAA and MHDDCA Order may not be directly on point, because it is limited to filings related to an earlier motion concerning the notice of Daley’s deposition, the Court finds it necessary to extend the Order to cover all filings related to Hercules’s Motion to Vacate. First, the spirit of the order applies with equal force here, because the court documents at issue disclose protected health information. Second, these proceedings are directly related to the deposition that caused the Court to issue the Order in the first place. For these reasons, the Court denies Hercules’s request for a general order compelling service to both him and his attorneys, and requires the document to be provided on an “attorneys’ eyes only” basis. (*See* Dkt. 308 at 4 n.6).

Because Rule 26.2(e) applies and no prior order prevents disclosure to Hercules’s attorneys, Daley can only resist service of the unredacted response “for good cause shown.” L.R. 26.2(e). The Court finds none. Contrary to Daley’s assertion that compelled disclosure “would render the protections afforded by the Court over Mr. Daley’s private medical information a nullity,” none of Daley’s health information will be disclosed to anyone other than Hercules’s lawyers. (Ex. 1, Dkt. 308-1 at 2). There is a world of difference between making Daley’s health information public, which prior orders prevent, and providing access to a limited amount of information included in a responsive pleading to a small handful of attorneys. Any intrusion on Daley’s privacy is minimal and substantially outweighed by the interest in having full briefing on the merits of Hercules’s motion, which implicates matters of significant public concern.



Virginia M. Kendall
United States District Judge

Date: April 23, 2025